

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, AUGUST 15, 2017
MEETING ROOM B, CLAY COUNTY COURTHOUSE**

Members Present: Amos Baer, Perry Bushaw, Greg Anderson

Members Absent: Paul Krabbenhoft, Pamela Harper

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Charles Stenso

Approval of Agenda:

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board approved the agenda.

Approval of Minutes:

On motion by Perry Bushaw, seconded by Greg Anderson, and unanimously carried, the Board approved the July 18, 2017 minutes.

CHARLES AND JANEEN STENSO - REQUEST FOR VARIANCE

The applicants are seeking approval of a variance to allow a reduction in the required setback from a structure to the Ordinary High Water (OHW) level of a Natural Environment lake. The County Code requires a 150-foot setback from a structure to the OHW. The applicant is seeking approval of a 110-foot setback. The affected properties are Lots 14 and 15, DMZ Subdivision, Section 15, T138N, R44W (Parke Twp.) in the Shoreland-Residential (S-R) zoning district.

On motion by Perry Bushaw, seconded by Greg Anderson, and unanimously carried, the Board opened the public hearing.

Tim Magnusson, Planning Director presented a photo of the site, holding tank, well, and access road. He explained that Parke Township only maintains part of the road. The applicant has been in communication with Bruce Bang, Parke Township Officer, and he informed Stenso that the Township approves his proposal. In the past, a camper was located on the property about 130 feet back from the lake. The proposed residence would be closer. The home would not be visible from the water because of a bluff and many trees. A long stairway leads down to the water. Magnusson advised that he had not received any feedback from surrounding landowners.

Perry Bushaw stated that he visited the site. He explained there is a steep slope to the west limiting the area to build. He agrees with the proposal as it cannot be closer to the road.

The applicant was present for questions. Charles Stenso approached the Board. He stated the home would be a year-round residence. The home and 3 stall garage totaling 1,340-square foot, would be placed on a slab that would only minimally disturb the land. In addition, he plans to install a mound system. Stenson explained how the location would be ideal as many of the trees are dead due to a fire and the septic system and well are already in place.

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board closed the public hearing.

The Board agreed that this variance was a reasonable request. The terrain places limitations on the location of a house and septic system.

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board of Adjustment approved Charles and Janeen Stenso's variance to allow a reduction in the required setback from a structure to the Ordinary High Water (OHW) level of a Natural Environment lake on properties located at Lots 14 and 15, DMZ Subdivision, Section 15, T138N, R44W (Parke Twp.) for the following reasons:

- 1) That the property owner proposes to use the property in a reasonable manner not permitted by an official control;**
- 2) The plight of the landowner is due to circumstances unique to the property not created by the landowner;**
- 3) It will not alter the essential character of the locality.**

On motion by Perry Bushaw, seconded by Greg Anderson, and unanimously carried, the meeting was adjourned at 6:12 p.m.

By: _____
Amos Baer, Chair